

R7-2-1116 Procurement of construction using alternative project delivery methods

A. Definitions

1. "Alternative project delivery methods for construction" means any one of the following: construction-manager-at-risk, design-build, qualified select bidders list, and job-order-contracting construction services.
2. "Common purpose" means either: (1) project(s) of similar scope constructed on single or multiple sites that are performed concurrently or (2) project(s) of different scopes on single or multiple sites that are interdependent upon each other.
3. "Construction-Manager-At-Risk" shall be used in this section consistent with the definition in Arizona Revised Statute §34-101(4).
4. "Design-Bid-Build" shall be used in this section consistent with the definition in Arizona Revised Statute §34-101(8).
5. "Design-Build" shall be used in this section consistent with the definition in Arizona Revised Statute §34-101(9).
6. "Findings" mean the justification provided by a school district governing board regarding their decision to use an alternative project delivery method for construction that outlines the positive public benefits of the selected method. Findings shall address such things as industry practices, surveys, trends, past experiences, evaluations of completed projects, and related information regarding the expected benefits and drawbacks of particular Alternative Project Delivery Methods. To the extent practicable, such findings should relate back to the specific characteristics of the project or projects at issue. Required areas shall be addressed as specified in Arizona Administrative Code R7-2-1116(B)(3).
7. "Job-Order-Contracting" shall be used in this section consistent with the definition in Arizona Revised Statute §34-101(16).
8. "Prospective Proposer" means a prime contractor or construction materials supplier who submits a proposal in response to a Request for Qualifications under a Qualified Select Bidders List process.
9. "Qualified Select Bidders List" means a selection process for establishing a list of best-qualified prime contractors and/or construction material suppliers for a specific single project. The selection process is based upon listed evaluation criteria and conducted through a Request for Qualifications. Once the selection process is complete, the qualified bidders are invited to submit a sealed competitive bid based upon architectural/engineering plans and specifications or material specifications.
10. "Specific, single project" means a project that is constructed at a single location, at a common location or for a common purpose.

B. Use of Alternative Project Delivery Methods

1. Alternative project delivery methods for construction shall be procured as provided in this section, except as authorized by Arizona Administrative Code R7-2-1024, R7-2-1033, R7-2-1053, R7-2-1056, and R7-2-1111 through R7-2-1115.

2. Use of Alternative Project Delivery Methods (APDM) shall be directed by a school district's governing board as alternatives to the prescribed public contracting practices in Arizona, and their use must be justified in accordance with the public contracting law and these rules, including providing findings.
3. An approved copy of the findings shall be sent to the agency overseeing funding. These findings shall be a positive measure of public benefit and shall include information pertaining to a minimum of nine identified areas. The nine areas to be addressed and their definitions are:
 - a. Cost Control – Lack of definition and many options on a project require a project delivery process where the designer, contractor and school district work together to produce a best value design solution for a given budget. This is accomplished through contractor and designer value engineering efforts making trade-offs of different design solutions with the school district. A statement shall be included identifying whether the cost of using an alternative project delivery method is less than, equal to, or greater than the same project delivered by a traditional design-bid-build procurement method.
 - b. Value Engineering – The advantages provided by early involvement of the contractor in the design phase of the project. Value engineering includes constructability reviews, materials reviews, and design consultation. These services should result in increased project quality and lower lifetime costs associated with the project.
 - c. Market Conditions – Local and national economic conditions and the availability of various materials and services in the local construction market.
 - d. Schedule – Critical timing of construction that may have to be phased or may need to be tailored to educational schedules.
 - e. Specialized Expertise – Unique features or functional requirements of the project that make past experience with similar situations or detailed knowledge critical to project success.
 - f. Technical Complexity – Any unusual or particularly technically-sensitive aspects of the project that require specific skills or experience. This may also include the district's need to have the CMAR or design-build firm provide financing for the project as well as operations and maintenance services.
 - g. Project Management – An evaluation of the district's ability to manage the project, in terms of experience, manpower, and the understanding and implementation of partnering and teambuilding concepts. These factors may indicate that an alternate or additional source of project management is warranted.
 - h. Job-Order-Contracting – A determination that the job-order-contracting method of project delivery will provide the school district with efficiency and economy in establishing a requirements

contract for indefinite quantities of construction where construction services are to be performed as specified in job orders issued during the contract. Efficiency and economy may include, but are not limited to increased competition for multiple projects, reduced bidding effort for the school district and vendors, and/or management of a single contract.

i. Quality Control – A determination that pre-qualifying select bidders will improve quality without restricting competition.

4. Each project shall be a specific, single project. No project may be added to the scope of work that was not defined in the Request for Qualifications or Request for Proposal.

C. Selection Committee. A selection committee shall be established and utilized when a school district governing board approves using one of the following alternative project delivery methods of construction: construction-manager-at-risk, design-build, or job-order-contracting.

1. The school district shall establish a qualified selection committee for each construction-manager-at-risk, design-build, and job-order-contracting procurement. The selection committee shall consist of not less than five and no more than seven members and shall include at least one person who is a senior management employee of a licensed contractor and one person who is an architect or an engineer who is registered pursuant to Arizona Revised Statutes §32-121. Members of the selection committee may be employees of the school district or outside consultants.

a. Outside contractors, architects and engineers serving on a selection committee shall not receive compensation from the school district for performing this service, but the school district may reimburse them for travel, lodging and other expenses incurred in connection with service on a selection committee.

b. A person who is a member of a selection committee shall not be a contractor under the construction manager-at-risk, design-build, or job-order-contracting contract or provide construction, construction services, materials or services under the contract.

2. The selection committee shall be responsible for performing the following:

a. Evaluation of the statements of qualifications and performance data that are submitted in response to the school district's request for qualifications for the proposed contract.

b. If determined by the school district and included in the request for qualifications, conducting discussions with at least three but not more than five persons or firms as specified in the request for qualifications regarding the contract and the relative methods of approach for furnishing the required construction services.

c. Selecting a short list of three persons or firms, in order of preference and based on criteria published in the request for qualifications, the selection committee deems to be the most qualified to provide the construction services.

- i. The selection of the short list and order of preference shall be based solely on demonstrated competence, including the management of subcontractors, and qualifications. Selection shall not include consideration of fees, price, staff hours or any other cost information.
- ii. Selection criteria shall include a subcontractor management plan. This plan shall be submitted by each proposing firm and contain information as to how the firm proposes to manage the subcontracting of the project or job orders. The selection panel shall use this information as part of the basis of selection and the school district shall incorporate this plan, in part or in whole, into the contract as the school district so decides.
- iii. If only two responsible and responsive persons or firms respond to the solicitation, the selection committee may proceed with the selection process with those persons or firms, or re-advertise pursuant to this subsection as the selection committee deems necessary or appropriate.

D. Contract awards

1. The school district shall award a contract for construction manager-at-risk, design-build, and job-order-contracting alternative project delivery methods of construction services to one of the persons or firms on the short list prepared by the selection committee. An exception may be made if only two persons or firms that the selection committee determines are qualified respond to the request for proposals or if one of the three persons or firms drops out of the selection process so that only two persons or firms remain on the shortlist. In the case of an exception, the school district may elect to proceed with the selection process with the two persons or firms or elect to re-advertise. The decision to proceed or re-advertise shall be made by the school district, as determined in its best interests.
2. Contract awards shall be made through a one-step or two-step process as follows:
 - a. A one-step selection process may be used for any of the alternative project delivery methods for construction. This process shall include:
 - i. The school district issuing a request for qualifications to all vendors registered for construction or construction services on the school district's bidders list. The request for qualifications shall also be distributed to persons or firms who have submitted annual statements of qualifications for the specified construction services.
 - ii. A request for statements of qualifications that includes the requirements outlined in Arizona Administrative Code R7-2-1117(C).

- iii. Evaluation of the statements of qualifications and performance data as outlined in Arizona Administrative Code R7-2-1116(C)(2) by the school district.
- iv. Pending completion of items one through three of this section, the school district shall enter into negotiations for a contract with the highest qualified person or firm for the construction services. The negotiations shall include consideration of compensation and other contract terms that the school district determines to be fair and reasonable. In making this decision, the school district shall take into account the estimated value, scope, complexity and nature of the construction services to be rendered.
- v. If the school district is unable to negotiate a satisfactory contract, including compensation and other contract terms determined to be fair and reasonable to the school district, with the person or firm considered to be the most qualified under item four of this section, the school district shall formally terminate negotiations with that person or firm. The school district may undertake negotiations with the next most qualified person or firm in sequence until an agreement is reached or a determination is made to reject all persons or firms on the short list.
- vi. If a contract for construction services is entered into pursuant to this subsection, construction shall not commence until the school district and contractor agree in writing on a fixed price or a guaranteed maximum price for the construction to be commenced.
- b. A two-step selection process may be used for either a design-build or job-order-contracting alternative project delivery method construction service. This process shall include:
 - i. The school district issuing a request for qualifications to all vendors registered for construction or construction services on the school district's bidders list. The request for qualifications shall also be distributed to persons or firms who have submitted annual statements of qualifications for the specified construction services.
 - ii. A request for statements of qualifications that includes the requirements outlined in Arizona Administrative Code R7-2-1117(C).
 - iii. Evaluation of the statements of qualifications and performance data as outlined in Arizona Administrative Code R7-2-1116(C)(2) by the school district.
 - iv. Pending completion of items one through three of this section, the school district shall issue a request for proposal to the persons or firms on the short list. The request for proposal shall include the following:

- (1) The school district's project schedule and project final design and construction budget or life cycle budget for a procurement that includes maintenance services or operations services.
- (2) A statement that the contract will be awarded to the person or firm whose proposal receives the highest number of points under the scoring method specified in the solicitation.
- (3) A description of the scoring method, including a list of the factors and the number of points allocated to each factor. The factors in the scoring method shall include:
 - (a) Offeror qualifications.
 - (b) Offeror financial capacity.
 - (c) Compliance with the school district's project schedule.
 - (d) An offeror quality management plan.
 - (e) A subcontractor management plan that contains information as to how the firm proposes to manage the subcontracting of the project or job orders.
 - (f) For design-build construction services, if the request for proposals does not contain the specifications prescribed in item (h)(iii) of this subsection and for job-order-contracting construction services, the price or life cycle price for procurements that include maintenance services, operations services or finance services.
 - (g) Other evaluation factors as determined by the school district.
 - (h) For design-build construction services only:
 - i. Demonstrated compliance with the design requirements.
 - ii. The design requirements.
 - iii. Compliance of the offeror's price or life cycle price for procurements that include maintenance services, operations services or finance services with the school district's budget as prescribed in the request for proposals, if the request for proposals specifies that the school district will spend its project budget and not more than its project budget

and is seeking the best proposal for the project budget.

4. A requirement that each offeror submit separately a technical proposal and a price proposal and that the offeror's entire proposal is responsive to the requirements in the request for proposals. For design-build construction services, the price in the price proposal shall be a fixed price or a guaranteed maximum price.
5. A statement that in applying the scoring method, the selection committee will separately evaluate the technical proposal and the price proposal and will evaluate and score the technical proposal before opening the price proposal.
6. If the school district desires to conduct discussions with offerors, a statement that discussions may be held and a requirement that each offeror submit a preliminary technical proposal before the discussions are held.
7. The factors listed in Arizona Administrative Code R7-2-1042(A) that are applicable to procurement.
- v. If included by the school district in the request for proposals, the selection committee shall conduct discussions with all persons or firms that submit preliminary technical proposals. Discussions shall be for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair treatment with respect to any opportunity for discussion and for clarification by the owner.
- vi. Revision of preliminary technical proposals shall be permitted after submission of preliminary technical proposals and before award for the purpose of obtaining best and final proposals. Best and final proposals shall be obtained in accordance with Arizona Administrative Code R7-2-1048. In conducting any discussions, information derived from proposals submitted by competing offerors shall not be disclosed to other competing offerors.
- vii. After completion of any discussions pursuant to paragraph (v) of this subsection or if no discussions are held, each offeror shall submit separately its final technical proposal and its price proposal.
- viii. Before opening any price proposal, the selection committee shall open and evaluate the final technical proposals and score the final technical proposals using the scoring method

- in the request for proposals. No other factors or criteria may be used in evaluation and scoring.
- ix. After completion of the evaluation and scoring of all final technical proposals, the selection committee shall open, evaluate and score the price proposals, and complete the scoring of the entire proposals using the scoring method in the request for proposals. No other factors or criteria may be used in evaluation and scoring.
- x. The school district shall award the contract to the responsive and responsible offeror whose proposal receives the highest score under the method of scoring in the request for proposals. No other factors or criteria may be used in evaluation and award.
- xi. The procurement file shall contain the combined tabulations signed by all members of the selection committee and the written basis on which the selection is made in the first step, and the award is made in the second step, including price competition evaluation in step two.
- xii. The proposals shall be open to public inspection after the contract is awarded and the school district has executed the contract. To the extent that the offeror designates and the school district concurs, trade secrets and other proprietary data contained in a proposal shall remain confidential.
- xiii. For design-build construction services only, the school district shall specify in the request for proposals and award a stipulated fee equal to a percentage of the school district's project final design and construction budget as prescribed in the request for proposals, but not less than two-tenths of one per cent of the project final design and construction budget, to each short list offeror who provides a responsive, but unsuccessful, proposal. If the procurement officer does not award a contract, all responsive short list offerors shall receive the stipulated fee based on the school district's estimate of the project final design and construction budget as included in the request for proposals.
- xiv. The procurement officer shall pay the stipulated fee to each offeror within ninety days after the award of the initial contract or the decision not to award a contract. In consideration for paying the stipulated fee, the procurement officer may use any ideas or information contained in the proposals in connection with any contract awarded for the project, or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful offerors.
- xv. Notwithstanding the other provisions of this paragraph, an unsuccessful short list offeror may elect to waive the

stipulated fee. If an unsuccessful short list offeror elects to waive the stipulated fee, the school district may not use ideas and information contained in the offeror's proposal, except that this restriction does not prevent the school district from using any idea or information if the idea or information is also included in a proposal of an offeror that accepts the stipulated fee.

3. When using the two-step selection process, and if so stated in the request for proposals, the school district may award multiple contracts for job-order-contracting, if such awards are determined to be in the best interests of the school district.
 4. The contract requirements for construction-manager-at-risk and design-build shall be written in multiple parts, or individual contracts prepared that separate any pre-construction services, design services, maintenance services, operations services and finance services from construction services.
 5. The school district shall award the construction-manager-at-risk contract at the conceptual stage of the project prior to schematic design being completed. This helps assure the appropriate use of the delivery method by engaging the construction-manager-at-risk during design.
 6. For a one-step alternative project delivery methods for construction selection, the school district shall retain in the contract file the combined tabulation signed by all selection panel members and written documentation detailing the basis of the decision to make the award. In the case of a two-step process for design-build and job-order-contracting, the same basis of selection for the first step shall be retained and the same information for the second step shall also be retained, including the price competition evaluation.
 7. The school district shall perform a detailed review of the estimate that backs up the guaranteed maximum price. The school district should consider using the architect, engineer or professional consultant to assist the school district should the review be outside the school district's expertise. In no case shall the school district award the construction phase of a construction-manager-at-risk or design-build project if the presented guaranteed maximum price is greater than the school district's budget for the project. The budget is the sum of the authorizing state agency funds plus school district funds.
 8. During negotiations for the construction-manager-at-risk contract, the school district shall determine that the pre-construction services, general conditions, schedule, construction contingency and construction fees are reasonable and justified and these shall be approved by the school district's governing board.
- E. Receipt and opening of statements of qualifications and proposals
1. Statements of qualifications and proposals shall be received and opened in accordance with R7-2-1045(A) and (B). Late proposals, modifications, or

withdrawals shall be considered in accordance with R7-2-1044 and R7-2-1049.

2. A school district may cancel a request for qualifications or a request for proposals or reject in whole or in part any or all submissions of qualifications or proposals as specified in the solicitation if it is in the best interest of the school district. The school district shall make the reasons for cancellation or rejection part of the procurement file.

F. Contractor licenses

1. The contractor for construction-manager-at-risk, design-build or job-order-contracting construction services is not required to be registered to perform design services pursuant to Arizona Revised Statutes, Title 32, Chapter 1 if the person or firm actually performing the design services on behalf of the contractor is appropriately registered.
2. The contractor for construction-manager-at-risk, design-build or job-order-contracting construction services is not required to be licensed to perform construction pursuant to Arizona Revised Statutes, Title 32, Chapter 10 if the person or firm actually performing the construction on behalf of the contractor is appropriately licensed.

G. Contract and performance requirements

1. The school district shall procure design, engineering and other specified professional services relating to a construction-manager-at-risk construction services project pursuant to R7-2-1117 through R7-2-1123.
2. The school district shall negotiate pre-construction services, general conditions and construction fees for construction-manager-at-risk and design-build projects that are reasonable and justified. Such fees shall be part of the construction-manager-at-risk or design-build contract.
3. For job-order-contracting construction services projects, if the school district does not include design, engineering and other specified professional services in the job-order-contracting construction services contract, the school district shall procure such services pursuant to R7-2-1117 through R7-2-1123.
4. The school district shall ensure that no job order exceeds the dollar amount determined pursuant to Arizona Revised Statutes §41-2578, subsection J, paragraph 1. This maximum amount shall not be more than seven hundred fifty thousand dollars. Requirements shall not be artificially divided or fragmented in order to constitute a job order that satisfies this requirement.
5. The school district shall review all job orders for accuracy of the estimate and document the basis for acceptance of the estimate.
6. If the contractor subcontracts or intends to subcontract part or all of the work under a job order, and if the job-order-contracting construction services contract includes descriptions of standard individual tasks, standard unit prices for standard individual tasks and pricing of job orders based on the number of units of standard individual tasks in the job order:

- a. The contractor has a duty to deliver promptly the following to each subcontractor invited to bid a coefficient to the contractor to do all or part of the work under one or more job orders:
 - i. A copy of the descriptions of all standard individual tasks on which the subcontractor is invited to bid.
 - ii. A copy of the standard unit prices for the individual tasks on which the subcontractor is invited to bid.
 - b. If not previously delivered to the subcontractor, the contractor has a duty to deliver promptly the following to each subcontractor invited to work, or that has agreed to do any of the work, included in any job order:
 - i. A copy of the description of each standard individual task that is included in the job order and that the subcontractor is invited to perform.
 - ii. The number of units of each standard individual task that is included in the job order and that the subcontractor is invited to perform.
 - iii. The standard unit price for each standard individual task that is included in the job order and that the subcontractor is invited to perform.
7. The school district or the school district's representative shall verify all supporting pay application documents for accuracy as they are submitted by the construction-manager-at-risk, design-build and job-order-contracting firm for payment. After substantial completion, but before final closeout, the school district shall retain the services of a qualified third party to perform a financial audit of the construction portion of the project. Final cost reimbursements shall be made subject to the final audit adjustment, and the contract shall establish an audit process to ensure the contract costs are allowable, properly allocated and reasonable.
8. For job-order-contracting job orders, the school district shall set administrative limits to assure the seven hundred fifty thousand dollar limit for each job order is not violated. The school district shall review all job orders for accuracy of the estimate and document the basis for acceptance of the estimate. When a job order is one hundred thousand dollars or larger and is being estimated without a pre-agreed upon unit price book, the school district shall have an independent analysis of the job order costs. This analysis shall be documented. When job-order-contracting job orders are accomplished under a guaranteed maximum price type construction without a unit price book, the process shall be open book. Job-order-contracting contracts shall have a requirement for a good faith effort to obtain a ten percent small and disadvantaged business goal.

H. Prohibitions

- 1. Notwithstanding anything to the contrary in this section or this article, a school district shall not:

- a. Enter into a contract as contractor to provide construction manager-at-risk construction services, design-build construction services or job-order-contracting construction services.
- b. Contract with itself, with another purchasing agency, with this state or with any other governmental unit of this state or the federal government for the school district to provide construction manager-at-risk construction services, design-build construction services or job-order-contracting construction services.
- c. The prohibitions prescribed in subsections a and b of this section do not prohibit a school district from providing construction for itself as provided by law.

I. Annual report. On or before January 15 of each year, any school district that uses construction manager-at-risk, design-build or job-order-contracting to procure construction services in a calendar year shall transmit to the Secretary of State a report on the benefits associated with the use of construction manager-at-risk, design-build or job-order-contracting to procure construction services. The report shall include the number of projects completed in the preceding calendar year using the procurement methods, the cost and description of each project and an estimate of any cost savings or other benefits realized through the use of the procurement method.

J. Bid security

- 1. Bid security executed in accordance with R7-2-1111(C), shall be provided for construction manager-at-risk, design-build and job-order-contracting procurements, if the school district estimates that the budget for construction, excluding the cost of any finance services, maintenance services, operations services, design services, pre-construction services or other related services included in the contract, will be more than the amount established by A.R.S. §15-213(I):
 - a. Design-build construction services: 10% of the school district's construction budget for the project as described in the request for proposals, excluding finance services, maintenance services, operations services, design services, pre-construction services or any other related services included in the contract.
 - b. Job-order-contracting construction services: The amount prescribed by the school district in the request for proposals, but not more than 10% of the school district's estimated budget for construction during the first year under the contract, excluding any finance services, maintenance services, operations services, design services, pre-construction services or other related services included in the contract.
- 2. Nothing in this section prevents the school district from requiring such bid security in relation to any construction services contract.

K. Contract performance and payment bonds

- 1. Contract performance and payment bonds executed in accordance with R7-2-1112, shall be provided for construction manager-at-risk, design-build and job-order-contracting contracts, if the school district estimates

that the budget for construction, excluding the cost of any finance services, maintenance services, operations services, design services, pre-construction services or other related services included in the contract, will be more than the amount established by A.R.S. §15-213(I):

- a. Performance and payment bonds for construction manager-at-risk or design-build contracts shall be in an amount equal to 100% of the amount of construction services in the contract. The amount of the bonds shall not include the cost of any design services, pre-construction services, finance services, maintenance services, operations services and other related services included in the contract. The bonds shall cover performance of construction included in the contract and shall not cover performance of any design services, pre-construction services, finance services, maintenance services, operations services or other related services included in the contract.
- b. Performance and payment bonds for job-order-contracting contracts shall be in an amount equal to 100% of the amount of construction services in the contract. The amount of the bonds shall not include any design services, pre-construction services, finance services, maintenance services, operations services or other related services included in the contract, shall initially be based on the school district's estimate of the amount of construction that will be done under the contract and, for multiyear contracts, may be a single bond for the full term of the contract or a separate bond for each year of the contract, as determined by the school district.

L. Payment and retention

1. The school district shall verify the accuracy of all construction manager-at-risk, design-build and job-order-contracting pay applications prior to paying the contractor.
2. Payment retention for construction manager-at-risk and design-build contracts shall be in accordance with Arizona Administrative Code R7-2-1114.
3. Payment retention is not required for job-order-contracting construction services contracts. However, the school district may elect to require retention for a job-order-contracting construction services contract. A school district requiring payment retention for a job-order-contracting contract shall comply with the following:
 - a. Retention shall be 5% of each payment.
 - b. Retention applicable to each job order shall be released within 60 days after final completion of the job order and acceptance of the work under the job order.
 - c. No retention on the job order may be released until that time.
 - d. The retention percentage shall not be increased.
4. Retention applies only to amounts payable for construction and does not apply to amounts payable for design services, pre-construction services,

finance services, maintenance services, operations services or any other related services included in the contract.

R7-2-1116.01 Qualified Select Bidders List

A. Sealed prime contractor or construction materials supplier qualifications proposals shall be solicited through "Request for Qualifications."

1. Request for qualifications shall be issued at least 21 days before the time and date set for submission.
2. Use of the qualified select bidders list shall be restricted to the specific project(s) identified in the request for qualifications.
3. The qualified select bidders list must consist of at least three (3) prime contractors when a contractor is solicited or three (3) construction material suppliers when material suppliers are solicited.
4. The qualified select bidders list for any specific project(s) expires one year after its establishment and is not renewable.

B. The Request for Qualifications

1. The Request for Qualifications shall include the following:
 - a. Notice that all information and qualifications submittals by the prospective proposers will be made available for public inspection following the establishment of a qualified select bidders list.
 - b. Instructions and information to prospective proposers concerning the qualifications submittal requirements, including the time and date set for submittal deadline, the address of the office at which the submittals are to be received, the period during which the submittals shall be accepted, and any other special information.
 - c. The criteria to be used in the qualifications evaluation, which shall include at a minimum:
 - i. Firm's capabilities and qualifications for performing the scope of work;
 - ii. Contractors' or materials suppliers' project team, key member's education and training;
 - iii. Method of Approach, including subcontractor plan, safety plan;
 - iv. Projected construction schedule;
 - v. Current workload;
 - vi. Five most recent representative examples of similar work along with references for each example;
 - vii. Current bonding availability and capacity;
 - viii. Any judgment or liens against the prospective proposer within the last three years;
 - ix. Any current unresolved bond claims against the prospective proposer;
 - x. Any deficiency orders issued against the prime contractor by the Arizona Registrar of Contractors within the last three years; and

xi. Any filing under the United States Bankruptcy Code, assignments for the benefit of creditors, or other measures taken for the protection against creditors during the last three years.

d. The scope of work, including a list of specific projects, for which qualifications are being requested.

e. The anticipated evaluation period and selection of a qualified select bidders list.

f. The type of contract to be used.

g. The name of the district representative or district representatives.

h. The expiration date of the qualified select bidders list if less than one year.

i. The district reserves the right to conduct interviews as part of the evaluation process.

C. Pre-Proposal Conferences

1. The school district may conduct a pre-proposal conference not less than 14 days prior to the qualifications submittal date for the purposes of explaining the requirements of the request for qualifications.

D. Amendments to Request For Qualifications

1. An amendment to a request for qualifications shall be issued if necessary to do any of the following:
 - a. Make changes in the Request for Proposal;
 - b. Correct defects or ambiguities; or
 - c. Furnish to other prospective proposers information given to any other prospective proposer, if the information will assist the other prospective proposers in submitting their qualifications proposal or if the lack of the information will prejudice the other prospective proposers.
2. Amendments to request for qualifications shall be so identified and shall be distributed to all persons to whom the original request for qualifications was distributed by the school district.
3. Amendments to request for qualifications shall be issued within a reasonable time before the submittal date to allow prospective proposers to consider them in preparing their qualification proposals. If the school district determines that the time and date set forth in the request for qualifications does not permit sufficient time for proposal preparation, the time and date for the submittal shall be extended in the amendment or, if necessary, by telegram, or telephone or electronic communication and confirmed in the amendment.

E. Pre-submittal modification or withdrawal of Qualifications Proposals

1. A prospective proposer may modify or withdraw their proposal at any time before the prescribed submittal deadline if the modification or

withdrawal is received before the time and date set for the submittal at the location designated in the request for qualifications.

2. All documents concerning a modification or withdrawal of a proposal shall be retained in the official records of the school district.

F. Late submittals, late withdrawals and late modifications

1. A submittal, modification or withdrawal is late if it is received at the location designated in the request for qualifications for receipt of qualification proposals after the time and date set for the submittal.
2. A late qualification proposal, late modification, or late withdrawal shall be rejected, unless the qualifications proposal, modification or withdrawal would have been timely received but for the action or inaction of school district personnel and is received before the qualified select bidders list is established.
3. Prospective proposers submitting qualifications proposals, modifications, or withdrawals that are rejected as late shall be so notified as soon as practicable.
4. All documents concerning acceptance of a late qualifications proposal, late modification, or late withdrawal shall be retained in the official records of the school district.

G. Receipt, opening and recording qualifications proposals

1. Each qualifications proposal and modification shall be time and date stamped upon receipt and stored unopened in a secure place until the date and time set forth in the request for qualifications.
2. Qualifications proposals and modifications shall be opened publicly at the date and time designated in the request for qualifications and in the presence of one or more witnesses. The name of each proposer and any other relevant information deemed appropriate by the school district shall be recorded. The record shall be available for public inspection.
3. After the qualified select bidders list is established, the qualification proposals shall be available for public inspection, except that portion of a qualifications proposal that was designated as confidential pursuant to R7-2-1005 shall remain confidential from and after the time of the submittal deadline.

H. Establishing the Qualified Select Bidders List

1. The qualified select bidders list shall be established by determining the highest rated proposers from the qualification proposals received. This will be a minimum of three (3) and a maximum of five (5).
2. The determinations of the highest rated proposers shall be accomplished by having each member of the evaluation committee rate each proposal as to the established criteria for evaluation.
3. For each qualified select bidders list process there will be established by the school district an evaluation committee composed of five members. These members shall include the project designer(s) or construction material specifier(s), one member from the prime contracting/construction material supplier community that performs commensurate level work and

is disinterested in this project, a school district facilities representative and two other members as designated by the school district.

4. The evaluation committee shall review and rate each proposal received according to the established evaluation criteria. The committee members shall make written notes as appropriate and submit those notes and their evaluation scores to the school district procurement agent. The school district procurement agent shall add the evaluation committee's scores for each qualification proposal and shall sign, date and submit those results to the evaluation committee for final determination of the three (3) to five (5) highest rated proposers, which will then constitute the qualified select bidders list. The one-year eligibility period for the qualified select bidders list shall begin on the date the school district procurement agent signs the evaluation results.
 5. After the initial evaluation, the committee may conduct interviews with the proposers that have been identified to be the most highly qualified before making the final determination of the qualified select bidders list. The committee members shall make written notes as appropriate and submit those notes and their evaluation scores to the school district procurement agent. The school district procurement agent shall add the evaluation committee's scores for each qualification proposal and shall sign, date and submit those results to the evaluation committee for final determination of the three (3) to five (5) highest rated proposers, which will then constitute the qualified select bidders list. The one-year eligibility period for the qualified select bidders list shall begin on the date the school district procurement agent signs the evaluation results.
 6. Once the qualified select bidders list is established a written notice of the selected proposers will be sent to all the proposers.
 7. The qualified select bidders shall then be provided an invitation for bid, which shall then follow the established School District Procurement Rules, Arizona Administrative Code, Article 10, R7-2-1024 to 1032.
 8. After the establishment of the qualified select bidders list, a written record showing the basis for determining the qualified select bidders list shall be prepared by the school district procurement agent, retained in the official records of the school and made available to the public for review.
- I. Less than three proposals are received
1. In the event that less than three (3) qualifications proposals are received, this procurement process will cease and the school district may elect to reissue the request for qualifications or pursue other procurement methods.
 2. In the event that less than three (3) proposers are identified by the selection committee as being the most highly qualified, this procurement process will cease and the school district may elect to reissue the request for qualifications or pursue other procurement methods.